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NCCD

THE NATIONAL COUNCIL ON CRIME AND DELINQUENCY

DECEMBER 1990

AMERICA'S GROWING CORRECTIONAL-INDUSTRIAL COMPLEX

By James Austin, Ph.D.

HIGHLIGHTS

In 1982, Barry Krisberg and I authored an article titled the "Unmet Promise of Alternatives To Prison."[1] That publication reviewed all of the major studies of alternatives to incarceration and reached the conclusion that the vast majority of these programs had failed to divert substantial numbers of prison-bound offenders into alternative sanctions. In fact, the published research showed that alternatives actually served to extend the control of criminal justice to other segments of our society. The intention of that critique was to encourage criminal justice agencies to re-examine their methods for selecting offenders for alternative programs and not discourage the use of alternative sanctions. The available research also showed that offenders now being sent to prison could be diverted to non-prison sanctions without any increased risk to public safety and at considerable cost savings.[2]

Since then, there has been considerable focus on what we have coined as "America's imprisonment binge."[3] The claim that we have embarked upon such a binge is beyond dispute. The prison population has more than doubled from 329,821 in 1980, to 703,687 at the close of 1989 (an increase of 113.4 percent).[4] NCCD's own forecast of 12 states shows that under the criminal justice policies in effect in 1989, the nation's prison population will increase to over 1.1 million inmates by 1994.[5]

The unprecedented growth in the prison population has led many to argue that courts are using alternative sanctions less and legislatures are reducing the pool of offenders eligible for "intermediate punishments." Advocates of intermediate punishments frequently assume that prison crowding has occurred because fewer offenders are being sentenced to intermediate sanctions and are instead sentenced to prison for longer periods of time.

The purposes of this FOCUS are to re-examine national trends in correctional population growth since 1980 and to assess the extent to which intermediate sanctions have been used during the past decade. This analysis finds that despite a flurry of legislative actions designed to increase prison terms, the use of sentencing alternatives as measured by rising probation and parole populations, has expanded as fast, if not faster, than prisons. Consequently, the historic rise in prison populations can not be attributed only to a failure by the courts to use alternative sanctions. Rather, we are witnessing a dramatic increase in the use of all forms of correctional supervision for a growing proportion of defendants brought before the court.

By 1988, one out of every fifty adult Americans was under some form of correctional supervision. This is twice the rate of correctional control that existed in 1980. The dramatic increase in the use of correctional control is neither explained by higher crime rates nor arrests, both of which grew by only 5 percent between 1980 and 1988. Rather, it appears that prosecutors and the courts have become far more efficient in securing guilty pleas that produce greater numbers of convictions. And, as more convictions are achieved, especially for drug offenders, the use and costs of all forms of correctional control also escalated to historic levels.

Yet there may be even more profound sociological reasons for what I am calling the rise in correctional industrial complex (prisons, parole, probation, and jail). Significantly, the rise in correctional populations and their associated costs have come at a time when the U.S. is witnessing fundamental shifts in the socio-economic structure of its society--shifts that are known to be related to crime rates.[6] The past decade has witnessed an escalating level of poverty, a re-distribution of wealth from the lower and middle classes to the upper class, and economic stagnation for the middle class. More young adults and their children are growing up in poverty or near poverty level conditions.

Given these socio-economic trends it should come as no surprise that there has been no decline in crime despite a massive increase in the use of correctional sanctions. Unless the nation addresses these fundamental socio-economic issues and their consequences for the next generation of children, we will continue to experience more government intervention at a greater social and economic price.

THE GROWING CORRECTIONAL-INDUSTRIAL COMPLEX

While many observers have focused on the rise in prison populations, few have paid attention to the larger increases occurring in other forms of correctional supervision. Between 1980 and 1988, the probation and jail populations, which typically house pretrial defendants and offenders sentenced to short jail terms of one year or less, actually grew faster (111 and 110 percent respectively) than prison (90 percent) or parole (85 percent) populations (Figure 1). Table 1 shows that the probation population has not only more than doubled, but remains the dominant form of correctional supervision with over 2.3 million adults on probation on any given day in 1988.

It should also be added that not only has the use of jail increased as fast as probation, but also that it remains the form of correctional intervention experienced by most Americans. In 1988, the U.S. Department of Justice reported that over 9.7 million admissions occurred in the nation's 3,300 plus jails.[7] Assuming that approximately 75 percent of the 9.7 million admissions represent mutually exclusive adults, this means that nearly one out of every twenty five adults in America go to jail each year.[8]

The fact that probation grew faster than any other form of correctional control conflicts with claims that alternatives to incarceration are not being used. Moreover, the growth in probation and jails also counters arguments by pro-incarceration advocates that increases in the prison population produced declines in crime rates. Not only has the U.S. crime rate remained high, but one could also argue that the crime reductions achieved thus far could be associated by the greater use of probation or short-term confinement via the jail and not only by a greater use of prison.

Between 1980 and 1985, victimization rates as measured by the proportion of households reporting being victimized by at least one of seven crimes (rape, robbery, assault, personal theft, household theft, burglary, and motor vehicle theft) declined five percent from 30 percent to 25 percent. Since 1985, victimization rates have remained stable despite dramatic increases in correctional populations. It must be noted that these victimization rates only pertain to U.S. households, do not measure drug use or drug sale crimes, and do not include victimizations of people not living in households (the homeless). Furthermore, the proportion of households reporting at least one violent crime declined by six tenths of one percent from 5.5 percent to only 4.9 percent between 1980 and 1989. Since 1985, the violent crime rate has not been reduced. The FBI has already announced that reported violent crime was up 10 percent in 1990. If there was a public safety benefit to incarceration and other forms of correctional control, it has apparently run its course.[9]

> If there was a public safety benefit to incarceration and other forms of correctional control, it has apparently run its course.

What are the factors underpinning these dramatic increases in correctional control? As shown in Table 1, the increases cannot be explained by a rising adult population, which grew by only 12 percent, or reported crimes which grew by only four percent. Arrests grew at a substantial level (39 percent increase), but that figure alone does not explain the doubling of the correctional populations.

One explanation is that the criminal justice system has become far more efficient in processing criminal cases. More specifically, the courts have been able to achieve more convictions through more vigorous prosecutions and guilty plea negotiations in a far greater proportion of cases.

Although reliable national court data for the past decade do not exist, one can look at California, a state that has significantly expanded its use of correctional sanctions and has reliable court processing data over the past decade. Between 1980 and 1989, California, like the nation, reported a marginal (7 percent) increase in reported crime and a higher (39 percent) increase in adult arrests.[10] However, felony arrests increased by 82 percent, whereas misdemeanor arrests increased by only 25 percent. By far, the major reason for the increase in felony arrests was a 184 percent increase in felony drug arrests. During the same period, there was a 67 percent increase in felony court filings, and a 123 percent increase in Superior Court convictions.

A far greater number of adult arrests in California were defined as felony crimes (especially drug crimes) which have been channeled through California's Superior Courts where the rates of dismissals and acquittals were quite low (less than five percent) and sentences to probation, prison, and jail were quite frequent. Moreover, in California, defendants charged with felony drug crimes are allowed to plea bargain their cases with the courts, unlike crimes of violence. Consequently, plea bargaining may also be increasing in a greater proportion of cases.[11]

WHO IS BEING CONTROLLED?

Those under the control of corrections do not represent a cross section of the nation's population. They tend to be young males who are uneducated, without jobs or at best marginally employed in low paying jobs. They also tend to be Black and Hispanic.

Earlier this year, The Sentencing Project issued a report showing the disproportionate number of minorities being held under the control of the correctional system at any given time. Their analysis, based on the average daily populations of those in prison, parole, probation, and jail showed the following:

- Almost one in four (23 percent) Black men in the age group 20-29 is either in prison, jail, probation, or parole on any given day;
- Over one out of every ten Hispanic men (10.4 percent) in the same age group is either in prison, jail, probation, or parole on any given day;

FIGURE 1
CORRECTIONAL POPULATIONS
PERCENT CHANGE 1980 - 1988

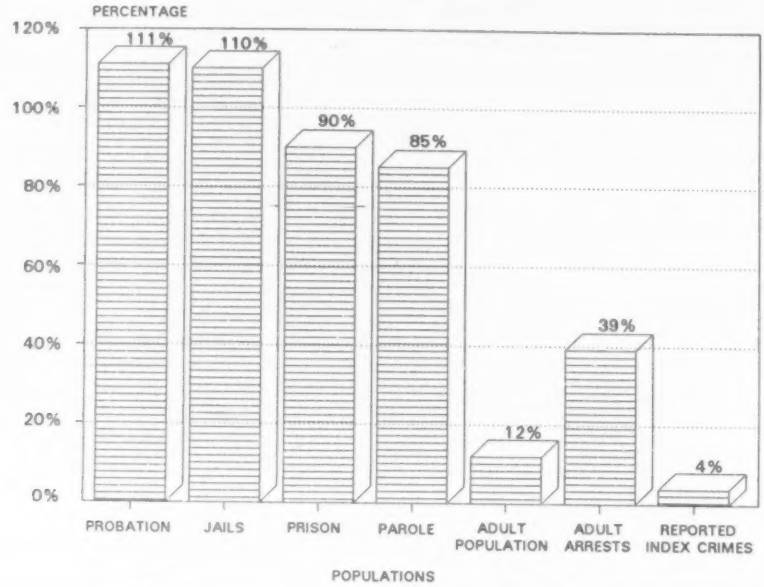


Table 1

CORRECTION POPULATIONS

PERCENT CHANGE 1980 - 1988

	1980	1988	% Change
Probation	1,118,097	2,356,483	111%
Jails	163,994	343,569	110%
Prison	329,821	627,588	90%
Parole	220,438	407,977	85%
Totals	1,832,350	3,735,617	104%
Adult Population	162.8 million	182.6 million	12%
Adult Arrests	6.1 million	8.5 million	39%
Reported Index Crimes	13.4 million	13.9 million	4%

Sources: Historical Corrections Statistics in the United States, 1850-1984, U.S. Department of Justice, Bureau of Justice Statistics

Uniform Crime Reports: Crime in the United States, 1980 and 1988, U.S. Department of Justice, Federal Bureau of Investigation

Statistical Abstract of the United States, 1989, U.S. Department of Commerce, Bureau of the Census

Census of Local Jails, 1988, U.S. Department of Justice, Bureau of Justice Statistics

Prisoners in 1989, U.S. Department of Justice, Bureau of Justice Statistics

Sourcebook of Criminal Justice Statistics, 1988, U.S. Department of Justice, Bureau of Justice Statistics

- For white men the ratio is considerably lower--one in 16 (or 6.2 percent);
- The number of young Black men under control of the criminal justice system (609,690) is greater than the total number of Black men of all ages enrolled in college as of 1986 (436,000).[12]

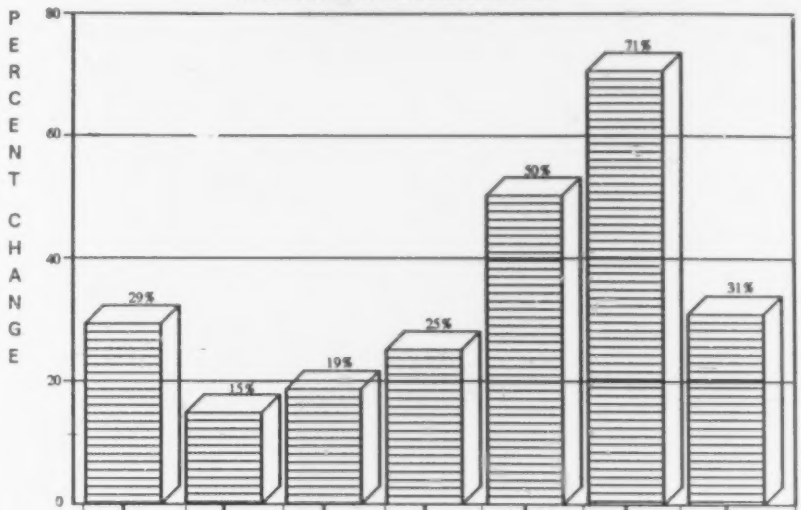
RISING CORRECTIONAL EXPENDITURES

As one might expect, the growth of corrections during the 1980s has also fueled dramatic increases in government spending. According to the U.S. Department of Justice, federal, state, and local governments spent over $61 billion in fiscal year 1988 for civil and criminal justice services. Presently, there are 1.6 million persons employed by the criminal justice system with 483,000 employed in corrections. Figure 2 shows personnel growth trends for the different components of state and local criminal justice systems. Whereas the total number of full and part-time criminal justice staff increased by 29 percent, the largest growing segment was corrections which grew by 71 percent.

Spending levels have grown at even a faster pace. Between 1979 and 1988, total expenditures for state and local corrections grew from $22.6 billion to $26 billion. As measured by per capita spending, corrections far outstripped the other areas of criminal justice increasing by 217 percent compared to an overall increase of 134 percent (see Figure 3).

There is little reason to believe these trends will soon subside. The National Conference of State Legislators (NCSL) projects an increase in state spending for corrections of 13.9 percent in FY 1990 and 11.2 percent for FY 1991. The NCSL also reports that these rates of increase are twice the levels of inflation and far outstrip increases for health care, education, transportation, and welfare. Between 1980 and 1988, state spending per $100 of personal income for corrections increased faster than any other spending category (see Table 2). Although corrections spending still lags well below most state spending categories, the rate of growth is escalating while spending for other vital state services is either stagnant or declining.[13]

FIGURE 2
PERCENT CHANGES IN THE NUMBER OF CRIMINAL JUSTICE EMPLOYEES



	TOTAL	POLICE	COURTS	D.A.	PUBLIC DEF.	CORR.	OTHER
1979	1,146,350	625,573	161,082	70,067	8,993	272,812	5,970
1988	1,482,711	719,074	191,139	87,650	13,508	465,365	7,823
%CHANGE	29.3	14.9	18.7	25.1	50.2	70.6	31

Source: Bureau of Justice Statistics Bulletin

Althought corrections spending still lags well below most state spending categories, the rate of growth is escalating while spending for other vital state services is either stagnant or declining.

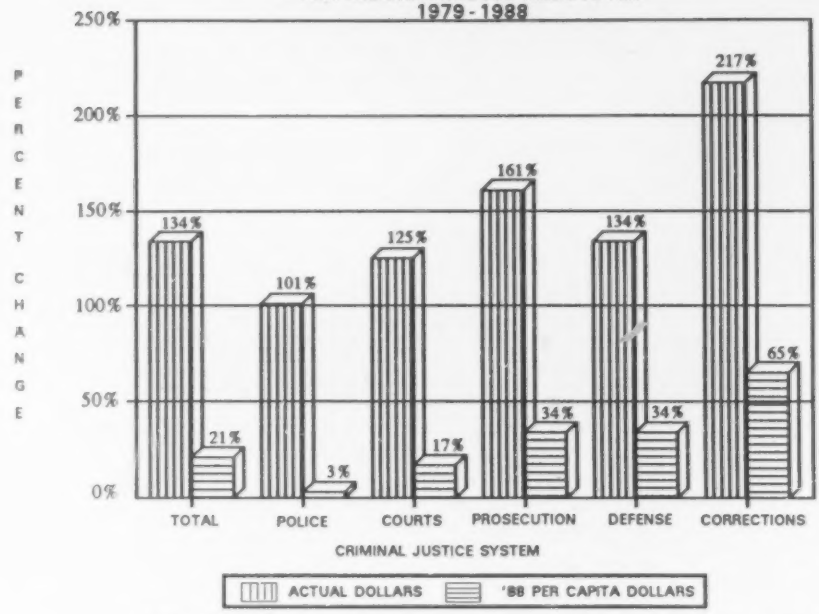
RELATED SOCIAL AND ECONOMIC TRENDS

Few would argue that the principal clients of the criminal justice system are those who occupy the lower economic strata of our society. Offenders and victims have always tended to be young, male, Hispanic and Black, illiterate, and unemployed. These attributes are not the "causes" of crime, but rather, increase the probabilities that they will become involved in criminal activities. Consequently, as the number of persons who experience severe economic and social conditions increase, we can expect further increases in crime.

The social and economic trends presented below offer little reason for optimism for the future, in terms of reducing our crime rate or in reducing the size and costs of corrections.[14]

- Between 1980 and 1988 the number of persons living in poverty increased from 26 million to 32 million (23 percent increase);
- There are 12.5 million children living in poverty or nearly one out of every five children;
- For minority children the figures are even more desperate with one out of every two Black children and one out of every three Hispanic children living in poverty;
- The number of single parent families, predominately headed by females, increased from 22 percent in 1980 to 27 percent by 1987;

FIGURE 3
PERCENT CHANGES IN DIRECT GOVERNMENT AND
1988 PER CAPITA EXPENDITURES*
FOR THE CRIMINAL JUSTICE SYSTEM
1979 - 1988



*Per Capita Expenditures are calculated in 1988 constant dollars. Source: Bureau of Justice Statistics Bulletin, "Justice Expenditure and Employment, 1988," Washington, D.C.: U.S. Department of Justice (July 1990).

Table 2
TRENDS IN STATE SPENDING*
1980 - 1988

Spending Category	1980	1988	%Change
Corrections	$.22	$.35	+59%
Medicaid	.45	.60	+33%
Health and Hospitals	.60	.62	+3%
Elementary-Secondary Education	2.37	2.32	-2%
Higher Education	.94	.91	-3%
Highways	.74	.66	-11%
Welfare (Non-Medicare)	.51	.37	-27%

* Spending figures reflect state spending per $100 of personal income.

Sources: Steve Gold, Center for the Study of the States,
Nelson A. Rockefeller, Institute of Government.

industrialized countries in infant mortality rates;

- 31-37 million Americans are without any medical insurance.

Why are these disturbing trends emerging now? Part of the explanation lies in fundamental shifts in the distribution of wealth as documented by Kevin Phillips in his recent book *The Politics of Rich and Poor.*[15] Phillips, using a wide variety of official data, argues the government economic policies of the past decade have improved the economic status of the rich at the expense of the lower and middle classes. Some of the more striking economic trends are as follows:

- In 1987, the income of then typical Black family ($18,098) equaled just 56.1 percent of the typical white family's income, the lowest comparative ratio since the 1960s;
- Between 1979 and 1987, earnings for male high school graduates with one to five years of work experience declined by 18 percent;
- Between 1981 and 1987, the nation lost over 1 million manufacturing jobs;
- Between 1977 and 1988, the average after-tax family income of the lowest 10 percent, in current dollars, fell from $3,528 to $3,157 (a 10.5 percent decline). Conversely, the income of the top 10 percent increased from $70,459 to $89,783 (a 24.4 percent increase) and the incomes of the top 1 percent increased from $174,498 to $303,900 (a 74 percent increase);
- Between 1981 and 1988, the total compensation of Chief Executives increased from $373,000 to $773,000 (an increase of 107 percent),and the number of millionaires and billionaires increased by more than 250 percent.

Further and more current evidence of how the wealth of the country has been increasingly concentrated in the upper economic class is shown in Table 3.

In economic terms, America is becoming a more fragmented and segregated society. Should these trends persist, there will be an associated increase in the incidence of crime and other social problems, and hence, a growing public demand to fund criminal justice services. In particular, the number of those Americans who are uneducated and raised in impoverished conditions will continue to grow and justify the need to further expand the correctional system.

> "For women, young people, and minorities the effect of economic polarization during the 1980s was largely destructive. The nation as a whole also suffered as unemployable young people drove up the crime rate and expanded the drug trade. Broken families and unwed teenage mothers promised further welfare generations and expense. And none of it augured well for the future skills level and competitiveness of the U.S. work force," (Phillips, 1990:208).

The nation faces an enormous public policy dilemma. On one hand we are expending a greater portion of our public dollars on incarcerating, punishing, treating and controlling persons who are primarily from the lower economic classes in a futile effort to reduce crime. On the other hand, we have set in motion economic policies that serve to widen the gap between the rich and the poor and produce yet another generation of impoverished youths who will likely end up under the control of the correctional system. By escalating the size of the correctional system, we are also increasing the tax burden and diverting billions of dollars from those very public services (education, health, transportation, and economic development) that would reduce poverty, unemployment, crime, drug abuse, and mental illness.

Until the long-term consequences of such a contradictory and debilitating public policy are recognized and reversed, the hope for a "kinder and gentler" America will be yet another "unmet promise."

Table 3

CHANGES IN AMERICA'S ECONOMIC CLASSES
INCOME AND WEALTH
1980 - 1990

Economic Class	1980	1990	%Change
Top 20 Percent	$58,896	$78,032	32.5%
Top 1 Percent	213,675	399,697	87.1%
Bottom 20 Percent	7,357	6,973	-5.2%
Top 20 Percent Capital Gains	83,000	175,000	110.8%

Sources: Center on Budget and Policy Priorities, Congressional Budget Office

ENDNOTES

1 James Austin and Barry Krisberg, "The Unmet Promise of Alternatives to Incarceration," *Crime and Delinquency*, (July 1982): 374-409.

2 Examples of recent studies completed by NCCD are evaluations of the Ohio Community Corrections Act, the Florida Community Control Program, and the Massachusetts Division of Youth Services community based system.

3 John Irwin and James Austin (1987). *Its About Time*, (San Francisco, CA: National Council on Crime and Delinquency., 1987).

4 Bureau of Justice Statistics Bulletin (May 1990). *Prisoners in 1989*. U.S. Department of Justice, Washington, D.C.

5 James Austin and Aaron McVey, "The NCCD Prison Population Forecast: The Impact of the War on Drugs," *NCCD Focus*, (San Francisco, CA:National Council on Crime and Delinquency., 1989).

6 Arnold S. Linsky and Murray A. Strauss (1986), *Social Stress in the United States: Links to Regional Patterns in Crime and Illness*, (Dover, MA: Auburn House Publishing Company). In this book, the authors find strong relationships between crime and mental illness with the following socio-economic indicators: business failures, unemployment claims, workers on strike, personal bankruptcies, mortgage foreclosures, divorces, abortions, illegitimate births, infant deaths, fetal deaths, disaster assistance, state residency of less than five years, new houses authorized, new welfare cases, and high school dropouts.

7 Bureau of Justice Statistics Bulletin, *Jail Inmates, 1989*, Washington, D.C., U.S. Department of Justice.

8 This figure is based on two recent NCCD studies of the Cook County (Chicago) and Los Angeles County jail systems which found that approximately 85 - 87 percent of all jail admissions were non-duplicative admissions meaning that the same person was not booked more than once into the jail in a given year. This test does not account for that fact that some individuals are booked more than once into jails located in different jurisdictions or more than once within a complex of jail facilities. For example a person could be booked only once into the Los Angeles county jail system and may also be booked into another California jail such as adjoining Orange or San Diego county jails. For this reason we have further reduced the estimate to 75 percent of total admissions.

9 Bureau of Justice Statistics Bulletin, 1990, *Crime and the Nation's Households, 1989*, Washington, D.C.: U.S. Department of Justice.

10 During the 1979 gubernatorial campaign, then candidate George Deukmejian complained that crime was out of control and that we needed to get tough with criminals. No one expected that the prison population would more than triple and that state correctional costs would quadruple during his reign. More significantly, the high crime rate of 1980 that justified the massive use of incarceration thereafter has not been reduced and violent crime has actually increased.

11 Candace McCoy, "The War on Drugs: Courts Caught in the Crossfire", *Crime and Delinquency in California, 1980 - 1989*, (Sacramento, CA: California Department of Justice., July 1990): 158 - 161.

12 Marc Mauer, *Young Black Men and the Criminal Justice System: A Growing National Problem*, (Washington, D.C.: The Sentencing Project, February 1990).

13 Part of the reason for the rising costs of corrections is also associated with the inflationary personnel costs for correctional officers. In California, the average salary for a correctional officer has increased from $20,916 in 1982 to $42,540 by 1991 which exceeds the salary of most public school teachers. And these salary costs do not reflect substantial indirect benefits such as generous pensions at early retirement, (Michael Snedeker, 1990, "The Meteoric Rise of Prison Guards," *The California Prisoner*, (August): 8-10.

14 The statistics presented here are drawn from the two following publications: *The State of Working America*, (Washington, D.C.: Economic Policy Institute, 1990); and Kevin Phillips, *The Politics of Rich and Poor*, New York: Random House, 1990.

15 Kevin Phillips (1990), *The Politics of Rich and Poor*, (New York: Random House). Most of the data shown above are taken directly from this publication.

ABOUT THE AUTHOR

James Austin, Ph.D. is Executive Vice President of the National Council on Crime and Delinquency. Dr. Austin has authored and co-authored several articles including: "The NCCD Prison Population Forecast: The Impact of the War on Drugs."

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FOCUS

THE NATIONAL COUNCIL ON CRIME AND DELINQUENCY

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Juvenile Intensive Supervision Programs: The State of the Art

By Barry Krisberg, Ph.D., Deborah Neuenfeldt and Audrey Bakke

INTRODUCTION

Burgeoning court caseloads and overcrowded juvenile facilities, have stirred a growing interest in programs providing serious juvenile offenders with intensive supervision as an alternative to long-term residential placements. There also has been increasing concern that traditional probation supervision is ineffective in controlling the recidivism of serious and chronic juvenile offenders.

To respond to these perceived needs, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) funded a project titled *Post-Adjudication Non-Residential Intensive Supervision Programs*. This project, conducted by the National Council on Crime and Delinquency (NCCD), is designed to accomplish the following:

- Identify and assess effective operational intensive supervision programs;
- Provide the capability to selected localities to implement effective intensive supervision programs for serious offenders through intensive training and technical assistance; and
- Disseminate effective post-adjudicatory non-residential intensive supervision program designs for supervision of serious juvenile offenders.

This article discusses our findings, and briefly describes the juvenile intensive supervision program model NCCD is developing.

PROJECT APPROACH

As part of the assessment, NCCD conducted a literature review of research findings on the success of community-based interventions. NCCD also conducted a nationwide search for promising juvenile intensive supervision programs. This search has shown that intensive supervision programs (ISPs) encompass a wide variety of approaches and strategies for supervising serious offenders in the community.

While more prevalent in adult correctional systems, ISPs targeted at serious offenders are also gaining popularity in juvenile justice systems. A 1986 survey concluded that ISPs were operating in 35 percent of the juvenile justice agencies throughout the country (Armstrong, 1986).

While the definition of a "serious" juvenile offender varies among programs, this category includes chronic juvenile offenders as well as individuals who have committed repetitive minor offenses, and for whom regular probation has been ineffective. *Juvenile ISPs are community-based (non-residential) programs characterized by high levels of contact and intervention by the probation officer or caseworker, small caseloads, and strict conditions of compliance.* Some ISPs include treatment and services components, while others emphasize surveillance and controls.

NCCD sent out an extensive mail questionnaire to professional organizations and state agencies to locate juvenile ISPs. Slightly less than half of the 90 programs which called themselves ISPs actually delivered intensive supervision. From these 41 programs, we selected 11 programs for intensive site visits. Selection was based on a variety of factors, including whether the programs defined their target population as high risk, whether contact requirements reflected a high level of control, and whether there were specified methods for responding to rule violations. We looked for geographic variety and a mix of public and private sector approaches.

In our program review, we found two general types of ISPs:

- day treatment, in which youths are on site at the ISP facility full-time during the day; and
- direct supervision, in which probation officers or caseworkers closely supervise youths in the community and, in some programs, provide or broker for needed services.

NCCD examined both day treatment and direct supervision models, and programs reflecting a variety of surveillance and treatment approaches.

The site visits included program observations and semi-structured interviews with program and court administrators,

TABLE 1

ISP PER DIEM COSTS

Program	Daily Per Diem
Associated Marine Institutes, Inc.	$36.91
Firestone Community Day Center School	$7.83 (probation costs only - not school costs)
Hennepin County (MN) Surveillance Program	$11.00 (staff salary only)
Kentfields Rehabilitation Program	$13.87 (excluding some administration and school costs)
The KEY Program, Inc.	$22.00 (Outreach/Tracking and Tracking Plus)
Lucas County (OH) Intensive Supervision Unit	Not available
Pennsylvania Intensive Probation Supervision	$5.43 (line staff only)
Ramsey County (MN) Juvenile Intensive Supervision Project	$17.41 (excluding administration and overhead)
Specialized Gang Supervision Program	$4.20 (excluding supplies and services costs)
Wayne County (MI) Intensive Probation Program	$25.00 (all three programs) (estimate)
Youth Advocate Programs, Inc.	$14.50 (Limited Service) to $28.00 (Intensive Service)

line workers, supervisors, and juvenile judges. Additional interviews were selectively held with prosecuting attorneys, law enforcement personnel, program provider staff, school personnel, and juvenile participants and their parents. In addition to the interviews, we obtained documentation detailing program development efforts, policies, organizational structure and operating procedures.

The visits were structured around five key areas of assessment:

- program context - program development, theoretical underpinnings, and organizational structure;
- client identification - target group definition, congruency between target population and clients served, and locus of control over selection and acceptance of youth;
- intervention - the nature of the services provided, and the nature and number of contacts;
- goals and evaluation - the process by which goals are set and measured; and
- program linkages - administrative and agency support, and coordination with other agencies.

FINDINGS

The 11 juvenile ISPs visited had several characteristics in common. All targeted an important client population -- serious juvenile offenders -- in a non-residential setting (although one had a short-term residential component). The programs did not target aftercare clients, although some also served youth who have been released from a residential placement. The selected ISPs were all designed to serve as alternatives to out-of-home placement. Regardless of the impetus for their development, these programs all assumed that juvenile offenders can be supervised effectively within the community without jeopardizing public safety. NCCD believes these 11 programs represent a broad variety of the best ISP approaches currently in operation (see sidebar on page six for descriptions of two programs).

Program Context

Theory and Philosophy. Although the literature suggests that the design of any correctional program should be guided by a theory of crime causation, NCCD found that ISPs were not founded upon a specific theoretical base. Most jurisdictions developed their programs with the belief that the needs of youth could best be met in a non-institutional setting within their family environment. Second, the need to control skyrocketing out-of-home placement costs was a major factor spurring development in most jurisdictions.

Organizational Structure. NCCD selected programs operated by both public and private agencies. In general, "public" is synonymous with "probation." The ISP officer typically has a smaller caseload than a regular probation counterpart. The smaller caseload, combined with more frequent contacts, distinguish the ISPs from traditional probation. Elsewhere private providers, under contract with state or county agencies, supervise youth on a day-to-day basis. However, legal responsibility for the youth remains with the public agency.

Both organizational structures have strengths. For example, the private programs can respond quickly to programming needs and have greater staffing and administrative flexibility than most probation departments. Public programs, on the other hand, can share administrative costs with other juvenile services, and may have a greater degree of program control. Whether ISP should be provided through a public or private agency depends on the needs of the individual juvenile justice system. However, it is NCCD's conclusion that the multiplicity of services and the need for extensive and flexible staff coverage in an ISP favor the private contractor approach.

Program Costs. To determine whether or not a program is cost effective, actual program costs must be calculated and compared with actual costs of alternative programming. However, it proved difficult to obtain accurate cost estimates for the 11 ISPs. Often, administrative costs, and even direct services costs, could not be separately allocated to the ISP. Therefore, cost figures are not directly

comparable among programs. Table 1 presents an estimate of the daily per diem costs of the 11 programs at the time of the on-site visits (conducted between November 1988, and February 1989). As indicated in Table 1, they include (and exclude) a variety of program and administrative costs. Interestingly, only the private programs could provide full cost estimates. For these programs, the daily per diem ranged from $14.50 for limited service (defined as 7.5 hours of direct client contact per week) in the Youth Advocates Program, to $36.91 for the Associated Marine Institutes' day treatment program.

Client Identification

There are two major aspects of client identification. The first is defining the target population: who does the program seek to serve? The second is the selection procedures and criteria that assure the target population actually is selected for participation.

The target population for the 11 ISPs was high risk youths who would otherwise be placed in institutions. However, no uniform definition of "high risk" applied across the programs investigated and, often, a uniform definition of "high risk" was not evident within a single ISP. Staff judgment was generally used to identify high risk youth. Because programs had little objective data to demonstrate that participants actually were drawn from an otherwise residentially-bound population, it was difficult to assess the degree of departure from the target population.

ISPs which target residentially-bound youth widen the net if they accept youth who would otherwise be on traditional probation. Research has shown that net-widening is a problem common to ISPs (Barton and Butts, 1988; Clear and Hardyman, 1990). The informality and lack of documentation of selection procedures suggest there is inconsistency between the intended and the actual population in these programs.

Intervention

We found no uniformly agreed upon standard on how much contact constitutes "intensive" supervision. Many programs required daily contact with the youth during initial phases, plus required contacts with the family, schools and other treatment providers. Table 2 summarizes the approximate caseload ratios and minimum offender face-to-face contact standards for the programs. The contact standards vary considerably among programs, ranging from two to six per day in the Hennepin County (MN) Surveillance Program, to three every two months in the Los Angeles (CA) Specialized Gang program.

TABLE 2

CASELOAD RATIOS AND OFFENDER CONTACT STANDARDS

Program	Approximate Caseload Ratios (Juveniles To Primary Worker)	Minimum Face-to-face Contact Standards
Associated Marine Institutes, Inc.	7	Day Treatment
Firestone Community Day Center School	15	Day Treatment
Hennepin County (MN) Surveillance Program	12	Phase 1: 2-6 per day
Kentfields Rehabilitation Program	9-11	Phase 1: Day Treatment Phase 2: 3-10 per week
The Key Program, Inc.	8-10	1 per day
Lucas County (OH) Intensive Supervision Unit	15	Phase 1: 2 per week
Pennsylvania Intensive Probation Supervision	15	3 per week
Ramsey County (MN) Juvenile Intensive Supervision Project	5-8	Phases 1 & 2: 1 per day
Specialized Gang Supervision Program	50	3 per 2 months
Wayne County (MI) Intensive Probation State Ward Diversion Program Intensive Probation Unit Spectrum In-Home Services Program	 4 10 8	 Day Treatment Phase 1: 2-3 per week 3-5 per week
Youth Advocate Programs, Inc.	2-6	3-5 per week

Contacts decrease as offenders enter the final stages of intensive supervision and their behavior becomes consistent with program rules. Staff emphasized the importance of a structured transition from the control of intensive supervision to community life with no supervision. While all programs reduced contacts before discharge, ISP staff rarely considered the transition time sufficient.

There was no agreement on the ideal length of stay for optimal program participation. Some programs specified a minimum or maximum length of stay as part of the program design; others provided an average length of stay. Table 3 provides the length-of-stay information for the 11 programs. They ranged from as little as 3 months in the Ramsey County (MN) Juvenile Intensive Supervision program, to a maximum of 15 months in the Wayne County (MI) State Ward Diversion Program, operated by a private provider.

A second feature common to ISPs was the *network* of services provided. While the intervention strategies varied considerably among programs, all had lower caseload ratios with more frequent contacts than traditional probation. With one exception (the Specialized Gang Supervision Program in Los Angeles County), these programs did not eliminate rehabilitation from their mission. Rather, control and structuring of the juvenile's behavior was employed to provide for public safety and to create

TABLE 3

PROGRAM LENGTH OF STAY

Program	Length Of Stay*
Associated Marine Institutes, Inc	6 months (average)
Firestone Community Day Center School	2 semesters (average)
Hennepin County (MN) Surveillance Program	116 days (average)
Kentfields Rehabilitation Program	4 months
The Key Program, Inc.	
Outreach & Tracking	20.7 wks. (average)
Tracking Plus	19.9 wks. (average)
Lucas County (OH) Intensive Supervision Unit	6-9 months
Pennsylvania Intensive Probation Supervision	6-12 months
Ramsey County (MN) Juvenile Intensive Supervision	
Misdemeanants	90 successful days
Felons	120 successful days
Specialized Gang Supervision Program	12 months (average)
Wayne County (MI) Intensive Probation	
State Ward Diversion Program	11-15 months
Intensive Probation Unit	7-11 months
Spectrum In-Home Services Program	9-12 months
Youth Advocate Programs, Inc	6-9 months

**Length of stay based on program design unless indicated as an average.*

an environment in which treatment can occur. Most ISPs provided access to a full range of activities and services to meet the needs of the juvenile, with formal referral for needed services not directly available through the ISP.

The third common intervention strategy was program reinforcement. ISPs must provide sanctions which are certain and proportionate to the violations for rule infractions, yet designed so violators can stay in the program. The ISPs that NCCD visited reserved unsuccessful termination only for new offenses or repetitive negative behavior. A rewards system for positive behavior was also found in most programs. Programs considered positive reinforcement, through such rewards as relaxation of rules, a special outing or meal, or ceremonies recognizing achievement, a crucial program strategy.

Goals and Evaluation

Empirical data on the efficacy of juvenile ISPs are limited, but the findings from available research are generally favorable (Barton and Butts, 1988). The ISPs reviewed by NCCD did not rely on these research results in the design of their programs.

Effectiveness is measured in both dollars saved and in the extent to which other process goals are met. For an ISP to be cost effective, it must serve high risk youth who would otherwise be in residential placement. Goals should be clearly articulated, widely accepted and objective enough to be evaluated. However, agencies were generally operating ISPs without the resources to systematically assess their programs, and programs had virtually no information with which to measure cost or program effectiveness.

To assure the adoption of ISP in the juvenile justice system, it is critical that programs clearly articulate goals and develop strategies to systematically assess progress toward meeting these goals.

Program Linkages

Positive relationships with others in the juvenile justice system, both formal and informal, are crucial for both program development and operation of any ISP. These include relationships with court personnel, regular probation staff, community programs, law enforcement and schools. Judicial support is key, since in many programs it is the judges who make the final placement decision. We often found that an influential individual, such as a judge or juvenile justice administrator, initiated the program concept. No program was implemented or sustained without strong administrative commitment and support of others in the juvenile justice system.

Conclusions

NCCD found great diversity among the programs calling themselves "intensive supervision programs." Our assessment indicated that there is promise in the use of intensive supervision for juvenile offenders who would otherwise be in residential placements. However, for intensive supervision to be an effective alternative, existing ISPs must be strengthened on a number of key program components.

We found strengths and weaknesses in all programs that were reviewed. NCCD, therefore, is designing a model of ISP, guided by research and theory, that capitalizes on the observed strengths of current programs. In the next section of this report we briefly describe the model ISP that we are developing.

THE ISP PROGRAM MODEL

Program Context

The ISP model being designed by NCCD is guided both by the risk control and rehabilitation strategies. Under the risk control approach, the central purpose of a sanction is to prevent an offender from committing future criminal acts. Therefore, the degree of control should be commensurate with the predicted potential for future delinquent activity. Rehabilitative efforts are fundamental to the risk control approach, since reducing the likelihood of future offending is dependent upon affecting change in cognitive, emotional and behavioral patterns (Clear, 1986).

Program interventions are designed to address the major causal factors identified in the Integrated Social Control (ISC) model (Elliott et al., 1985). ISC theory argues that the combined forces of inadequate socialization, blockage from achieving conventional goals, and social disorganization lead to weak bonding to conventional values. This, combined with strong bonding with delinquent peers, provides a powerful push toward law-violating behavior.

Given these etiologic factors, the interventions in the ISP model are designed to:

- provide external control over the offender until the locus of control can be shifted to traditional social units (such as the family, school and work);
- strengthen offender bonds to conventional values, persons, activities and institutions;
- provide offenders with the skills and opportunities to achieve in traditional settings; and
- provide a system of reinforcements (rewards and sanctions) to support desirable behaviors and to reduce the influence of delinquent peer groups.

Client Identification

The target population for the ISP model is adjudicated delinquents who would otherwise be in a long-term residential placement for at least 12 months (or the average length of stay in the state training school, if less than 12 months). Assuring selection of this target population is the single most important element in ISP implementation, because target group selection impacts both program and cost effectiveness. If an ISP accepts juveniles who would otherwise be placed on regular probation, the program will provide, at substantially more expense, a degree of control not warranted by the juvenile's offense or risk to the community. Further, research suggests that more intensive supervision may not be as effective as regular probation for low-risk offenders (Clear and Hardyman, 1990).

Proper selection criteria and procedures must be in place to assure that the target population actually gets selected for participation. The model specifies that the screening and selection for program enrollment should occur after an initial decision for a residential placement has been made. Use of program acceptance criteria based on uniform factors, including structured risk and needs assessments, and strict management control procedures, are additional strategies to ensure proper selection.

Intervention

Because of the theoretical framework guiding intervention strategies and the troubled population that this program intends to serve, the model requires a comprehensive effort encompassing both highly structured supervision and a broad array of treatment alternatives. This includes a phased system of controls, case planning and management, core service requirements, and a system of both rewards and graduated sanctions.

The model includes five program phases, namely:

- short-term residential placement or incarceration;
- day treatment, with on-site educational and other programming;
- outreach and tracking, with frequent client and ancillary contacts and aggressive case management;
- regular supervision (transition); and
- discharge from supervision.

Contextual and Implementation Issues

The model assumes that an ISP is most effective when it enjoys a broad base of on-going community support and is used in conjunction with other community resources. Efforts to build and maintain external and internal program support are necessary for successful implementation. These include the support of juvenile judges and other key policy makers, program and community linkages, and appropriate administrative policies. The comprehensive program design entails cooperative efforts of multiple agencies, requiring both formal and informal agreements to secure needed services for clients.

Goals and Evaluation

The essential goal of ISP implementation is to demonstrate that this approach can manage large numbers of serious juvenile offenders at no greater risk to the community and at lower cost than long-term residential placement. Without proper selection of a placement-bound population, this comprehensive model would be prohibitively expensive. However, it is our expectation that the model will be cost-effective if used as an alternative to costly residential placements. A rigorous evaluation design to test these premises is outlined in the model design.

NEXT STEPS

NCCD is currently developing a detailed operations manual to provide guidance for those wishing to implement this ISP model. A limited amount of technical assistance and training to jurisdictions will be available through the project. We are now seeking juvenile justice agencies interested in implementing the ISP model. If your agency is interested, contact:

Frank Smith
Program Manager
Office of Juvenile Justice and
Delinquency Prevention
U.S. Department of Justice
633 Indiana Avenue NW
Washington, DC 20531
(202) 307-5914

The selection of agencies to receive technical assistance will occur in early 1991.

If you would like more information about the ISP assessment findings, two project reports are now available from NCCD: Selected Program Summaries, which includes the full site visit reports for all 11 sites; and Assessment Report, which includes the literature review and methodology along with the findings and recommendations.

PROGRAM SITES VISITED BY NCCD

ASSOCIATED MARINE INSTITUTES, INC. TAMPA, FLORIDA

The Associated Marine Institutes, Inc. (AMI) is a network of affiliated training programs for delinquent youth. Each program has an autonomous Board of Trustees and separate incorporation with fiscal management and contracting services provided by the corporate office in Tampa, Florida. AMI, a private, non-profit organization, operates a wide range of programs, including residential and non-residential placements in seven states: Florida, Louisiana, Texas, South Carolina, Delaware, Virginia and Maryland. In general, the AMI programs are centered around remedial education and training in marine activities such as scuba diving, sailing, and boating. The NCCD site visit was conducted at two of the Florida non-residential programs: Pinellas Marine Institute and Tampa Marine Institute. These non-residential programs are examples of day treatment models in two slightly different settings: the Pinellas facility is located on the waterfront at Tampa Bay and the Tampa Institute is located near the water.

The curricula and level systems are similar at each of the marine institutes. The day treatment program combines individualized classroom education with specialized training in marine activities. Participants progress through levels by accumulating points for positive behavior and completion of classroom work. Staff determine progression to the next level at a meeting in which the youth explains why he or she should be advanced. Variations from one institute to another result from the autonomy that each program is afforded, the regional differences in the areas they serve, and the personalities and administrative styles of the staff. Within the structured expectations for staff and the overall AMI philosophy, individuality is encouraged.

Three goals for youth achievement have been established by AMI, namely: to reduce or eliminate recidivism, to increase pre-vocational and vocational skills, and to increase academic skills. AMI presents a unique focus on marine training and has demonstrated its premise that youths who are engaged in challenging and interesting tasks can be steered away from delinquent behavior.

THE KEY PROGRAM, INC. FRAMINGHAM, MASSACHUSETTS

The KEY Program, Inc. (KEY) was organized in Massachusetts in 1974 as a private, non-profit corporation as a direct response to deinstitutionalization of juveniles in Massachusetts reform schools. While the NCCD assessment concentrated on KEY's non-residential Outreach and Tracking, and Tracking Plus programs, KEY serves troubled adolescents through several additional program models including long- and short-term residential treatment, shelter care, and foster care. KEY also provides juvenile intake services and protective service assessment and evaluation in selected areas. Except for the urban Boston area, KEY currently operates statewide in Massachusetts and Rhode Island, and has implemented one Outreach program in New Hampshire in January 1989.

The Outreach and Tracking program, which serves both males and females, is designed to serve as an alternative to residential out-of-home placement. It also serves as an aftercare program following residential placement to provide reintegration into the community. Services include daily contact with the child and significant others, constant awareness of the child's whereabouts, advocacy with other community resources, and systematic referrals for clinical services, such as family and individual counseling. The Tracking Plus program provides the same types of services as the Outreach and Tracking program; however, youths (males only) in Tracking Plus begin their placement with an 18- to 30-day stay in a restricted residential setting, in order to stabilize the youth, develop a plan for the youth's return to home and school, and provide more intensive family work. A unique aspect of KEY is that line caseworkers stay a maximum of 14 months. This policy assures that high energy staff are providing direct services, but also requires extensive training efforts and supervisory and management consistency to maintain program integrity.

KEY views its role as providing an integrated approach which combines accountability, structure, and advocacy to ensure that the individual goals for each juvenile are met within the least restrictive setting. KEY receives strong support from its contracting agencies at both the regional and state levels. These agencies believe KEY provides flexible services which are responsive to community needs and in the best interest of clients.

ASSOCIATED MARINE INSTITUTES, INC. (AMI) - TAMPA, FL

Contact Person: **Robert Weaver**
Executive Vice President, (813) 963-3344
See sidebar

FIRESTONE COMMUNITY DAY CENTER SCHOOL - LOS ANGELES, CA

Contact Person: **Mary Ann Greene**
Probation Director, (213) 586-6401

This day treatment alternative school is operated in a cooperative effort by the local education and probation departments for youth on probation and aftercare. While educational in focus, a probation officer with casework responsibility for the students is onsite full-time.

HENNEPIN COUNTY SURVEILLANCE PROGRAM - MINNEAPOLIS, MN

Contact Person: **Jim Seward**
Correctional Unit Supervisor, (612) 348-3673

The probation department operates this surveillance program which incorporates frequent contacts and strict adherence to court-ordered conditions of probation. The program features a team concept to provide two to six daily contacts with each juvenile, and is staffed with two shifts, 365 days a year. It emphasizes a high level of internal consistency and meticulous logging of juvenile activities.

KENTFIELDS REHABILITATION PROGRAM - GRAND RAPIDS, MI

Contact Person: **Michael Robinson**
Director, (616) 774-3242

This court-operated program combines classroom education and work experience with gradual relaxation of strict probation requirements in an aftercare component. The program operates on a behavioral modification system where positive behavior in the home, community and school is reinforced through a "token economy" system. Points earned are redeemable for money, and these weekly paychecks are a unique program aspect.

THE KEY PROGRAM, INC. - FRAMINGHAM, MA

Contact Person: **William Lyttle**
Executive Director, (508) 877-3690
See sidebar

LUCAS COUNTY INTENSIVE SUPERVISION UNIT - TOLEDO, OH

Contact Person: **Sandy Strong**
IPU Supervisor, (419) 249-6663

This four-phase program is operated by the juvenile court's probation department. The program begins with house arrest; freedom increases as the youth's behavior warrants. Restitution and community service are required of all participants. The Intensive Supervision Unit has strong judicial and community program support. Careful planning and development involving a variety of juvenile justice actors occurred before program implementation, accounting, in part, for this support.

PENNSYLVANIA INTENSIVE PROBATION SUPERVISION

Contact Persons:

Keith Snyder, Juvenile Court Consultant, Juvenile Court Judges' Commission, (717) 787-6910

Ruth Williams, Juvenile Justice Program Manager, PA Commission on Crime and Delinquency, (717) 787-8559

The Pennsylvania Intensive Probation Supervision programs began when two state agencies worked together to provide start-up funding and establish basic program standards for county probation departments. Oversight is provided by the two state agencies. State standards require frequent contacts with the youth, the family and school, while the specific operational design varies by county.

RAMSEY COUNTY INTENSIVE SUPERVISION PROJECT - ST. PAUL, MN

Contact Person: **James Hayes**
Juvenile Division Director, (612) 298-6934

This court-operated program places an emphasis on strict adherence to court-ordered conditions. The three-phase program lasts for 90 to 120 days and includes home detention at the onset followed by a period of restricted activities. The project has staff assigned to branch probation offices to provide for ease of access and better understanding of the neighborhood. The "individual flavor" of each office is considered a program strength, although program consistency is more difficult to maintain.

SPECIALIZED GANG SUPERVISION PROGRAM - LOS ANGELES, CA

Contact Person: **Ernie Castro**
SGSP Director, (213) 780-2127

High profile gang members are supervised in the community by a special unit of Los Angeles County probation officers. The program supervises both juveniles and young adult offenders to provide continuity in fighting the Los Angeles gang problem. The focus is on close surveillance and swift court action for violations to reduce gang-related violence in the community.

WAYNE COUNTY INTENSIVE PROBATION PROGRAM - DETROIT, MI

Contact Person: **Kathleen VandenBrulle,**
IPU Supervisor, (313) 577-9426

Screening occurs in this court-administered program after a juvenile has been committed to the state. After acceptance, juveniles are referred to one of three programs for supervision and services. One program operated by probation includes small caseloads and frequent contacts. Private providers offer the In Home program, which has a family treatment focus; and the State Ward Diversion program, a day treatment program with on-site education and counseling. Research suggests all three are as successful as institutionalization in reducing recidivism.

YOUTH ADVOCATE PROGRAMS, INC. (YAP) - HARRISBURG, PA

Contact Persons: **Tom Jeffers**, President or **Minette Bauer**, Executive Director, (717) 238-4123

In this private program, trained advocacy workers make frequent contacts with delinquent youth and their families. YAP supports the notion that troubled youth have the best chance of success in community-based programs serving the entire family. A four-tiered level of service provides the structure to maintain strong ties with the community. Advocates meet with each juvenile, generally at night and on weekends, for 7.5 to 30 hours each week, in activities designed to meet the youth's social, educational and vocational needs.

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JUNE 1991

The Consequences of
Escalating The Use of Imprisonment: The Case Study of Florida

By James Austin, Ph.D.

INTRODUCTION

During the past few years, many states have embarked on a purposeful strategy to increase both the probability and duration of incarceration for convicted offenders and drug offenders in particular. The results of this strategy are being felt across the nation in many state prison systems. But more than any other state, Florida has dramatically followed this course of increasing the use of imprisonment for drug crimes. The purpose of this FOCUS is to use Florida as a case study to examine how a state strategy which relies heavily upon incarceration of drug offenders and the use of mandatory prison sentences can adversely impact a state's prison system and possibly endanger public safety.

The present Governor of Florida, Lawton Chiles, has raised serious questions about the public safety benefits of these policies and is actively examining alternative sentencing and programmatic options including expanded use of community corrections programs. Undoubtedly, a major reason for his concerns is the enormous rise in expenditures for correctional services.

This FOCUS takes on greater importance in light of a recent article by Patrick A. Langan, who argues that the current and projected growth in the nation's prison population is not due to the "war on drugs," longer sentences or mandatory prison terms. Rather, he believes that most of the growth is related to increased chances that a person arrested will receive a prison term.[1] More significantly, he further argues that higher imprisonment rates have produced a significantly lower crime rate and should be considered as an effective policy for reducing crime.[2] Langan bases his conclusions on an analysis of national prisoner release data from 1973-1986, which reflect state sentencing policies that were in effect well before 1986.[3] Observing that the median time served has not increased over the past two decades while prison admissions have grown dramatically, he also concludes that inmates are not serving longer terms and that increases in prison admissions are the principal reasons for prison population growth.

This FOCUS attempts to re-examine some of the issues raised by Langan using Florida as a case example. At the state level one can look at sentencing and release practices more closely, which cannot be done by using gross and dated national data bases. Contrary to the national trends reported above, this analysis shows that mandatory prison sentences, especially for drug crimes, have increased dramatically and will continue to have a significant impact on prison population growth in the future unless adjustments are made to sentencing policies. Furthermore, increasing the use of imprisonment in Florida has not reduced the crime rate as promised by advocates of incapacitation and deterrence.

HISTORICAL TRENDS IN FLORIDA'S PRISON POPULATIONS

Of the states, Florida has most dramatically increased the use of imprisonment — especially for drug crimes. Table 1 summarizes trends in prison admissions, releases, populations, the estimated lengths-of-stay (LOS) and reported crime rates (based on the Uniform Crime Reports) for Florida from 1980 - 1989.[4] The data show that Florida has increased the number of offenders sentenced to prison by over 330 percent. The largest period of growth was after 1984, during which prison admissions increased from 12,700 to nearly 44,000 — an increase of nearly 250 percent. Florida, which has always ranked near the top in the nation for incarceration rates, now has the highest rate of admissions to prison per capita than any other state (see Figure 1).

Despite the historic growth in prison admissions, the Florida prison system has increased the number of prison releases at an even greater rate during the same time period. This phenomenon was the result of a number of factors.

TABLE 1
TRENDS IN FLORIDA'S PRISON ADMISSIONS, RELEASES STATUS POPULATION AND CRIME RATES FOR CALENDAR YEARS 1980 TO 1989

	Prison Admissions		Prison Releases		Prison Population		LOS	Crime Rate
Calendar Year	Number	Percent Change	Number	Percent Change	Number	Percent Change	In Years	Per 100,000
1980	10,169	+14.2%	7,765	-17.1%	20,270	+5.6%	2.0	8,402.0
1981	12,097	+19.0%	8,224	+5.9%	23,277	+14.8%	1.9	8,032.5
1982	14,526	+20.1%	9,363	+13.8%	27,824	+19.5%	1.9	7,465.2
1983	13,507	-7.0%	14,508	+55.0%	26,260	-5.6%	1.9	7,218.1
1984	12,700	-6.0%	11,449	-21.1%	26,914	+2.5%	2.1	6,821.2
1985	15,873	+25.0%	13,666	+19.4%	28,606	+6.3%	1.8	7,574.2
1986	19,881	+25.3%	14,876	+8.9%	32,238	+12.7%	1.6	8,228.4
1987	26,512	+33.4%	25,939	+74.4%	32,466	+0.7%	1.2	8,503.2
1988	35,053	+32.2%	32,638	+25.8%	34,732	+7.0%	1.0	8,937.6
1989	43,940	+25.4%	38,771	+18.8%	39,999	+15.2%	0.9	8,804.5
%Change in 1980s		+332%		+399%		+108%	-55%	+5%

FIGURE 1

TEN HIGHEST RATES OF ADMISSIONS TO PRISON

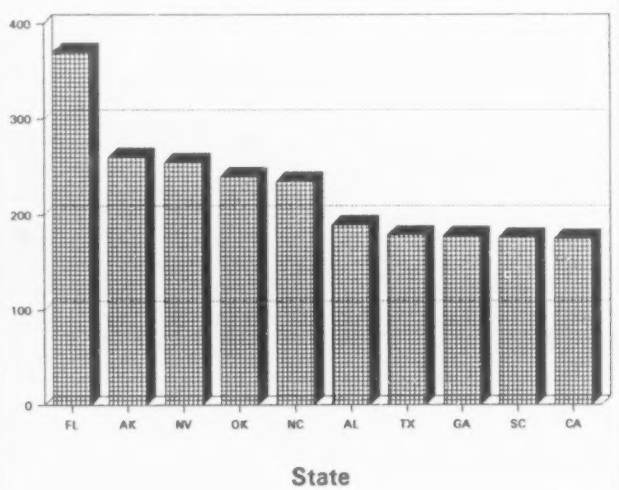

TABLE 2

FLORIDA'S PRISON BED CONSTRUCTION AND OPERATING COSTS IN THE 1980s

Calendar Year	Prison Beds Appropriated	Construction Costs	Additional Operating Costs
1980	73	$13,113,761	$1,031,694
1981	332	$9,451,700	$4,692,090
1982	2,096	$27,223,963	$29,622,349
1983	1,747	$30,419,000	$24,690,002
1984	416	$23,630,600	$5,879,245
1985	20	$1,100,000	$282,656
1986	2,742	$30,800,000	$38,752,138
1987	4,158	$77,431,900	$58,764,182
1988	4,085	$57,203,500	$57,732,488
1989	9,368	$118,781,079	$132,396,070
Total	25,037	$389,155,503	$353,842,914

Most notably, the state has been under a federal court consent decree for many years that prohibits the crowding of its prison system. Specifically, the state's prison population cannot exceed its rated bed capacity. Although the state added over 25,000 prison beds at a cost of nearly $400 million during the decade (see Table 2), this dramatic building program was insufficient to meet the crunching avalanche of new prison admissions. Consequently, in order to meet the court's mandate of not overcrowding its facilities, the state launched the nation's most ambitious early release program to date for purposes of lowering the inmates' LOS.

Specifically, Florida's early release program, operated by the Florida Department of Corrections (DOC), has the authority via the consent decree to award an unlimited amount of extra good-time credits to prisoners for the sole purpose of reducing an inmate's LOS. As a result, with the exception of prisoners sentenced to mandatory prison terms, the vast majority of Florida's inmates are now being released early. During FY 1989-1990, prison sentences were reduced by an average of 361 days through the early release program.

Obviously, the early release program has been very successful in terms of controlling Florida's prison population growth. Referring back to Table 1, one can see that the prison population increased by 108 percent, which is far below the rate of increase for prison admissions. Again this growth pattern was accomplished by awarding inmates substantial sums of early release credits which reduced the average length-of-stay from two years in 1980, to less than one year by 1989.

TABLE 3

TRENDS IN FLORIDA PRISON AND DRUG ADMISSIONS IN THE 1980s

Calendar Year	All Crimes	Drugs	Percent Drugs
1980	8,829	785	8.9%
1981	10,845	1,020	9.4%
1982	13,754	1,547	11.2%
1983	12,799	1,641	12.8%
1984	11,833	1,623	13.7%
1985	15,046	2,364	15.7%
1986	19,074	3,707	19.4%
1987	25,669	6,813	26.5%
1988	34,053	10,532	30.9%
1989	42,485	15,111	35.6%
% Change	+381%	+1,825%	

MALE OFFENDERS

Calendar Year	All Crimes	Drugs	Percent Drugs
1980	8,377	724	8.6%
1981	10,261	943	9.2%
1982	12,937	1,459	11.3%
1983	11,998	1,526	12.7%
1984	11,105	1,532	13.8%
1985	13,991	2,140	15.3%
1986	17,731	3,397	19.2%
1987	23,687	6,164	26.0%
1988	31,105	9,328	30.0%
1989	38,499	13,157	34.2%
% Change	+360%	+1,717%	

FEMALE OFFENDERS

Calendar	All Crimes	Drugs	Percent Drugs
1980	452	61	13.5%
1981	584	77	13.2%
1982	817	88	10.8%
1983	801	115	14.4%
1984	728	91	12.5%
1985	1,055	224	21.2%
1986	1,343	310	23.1%
1987	1,982	649	32.7%
1988	2,948	1,204	40.8%
1989	3,986	1,954	49.0%
% Change	+782%	+3,103%	

IMPACT ON CRIME RATES

Based on the tenets of incapacitation and deterrence, a doubling of the prison population and a quadrupling of prison admissions at a cost of nearly $750 million should produce some relief in crime rates. But the Florida experience indicates otherwise. At the beginning of the decade Florida's incarceration rate was 183 per 100,000 persons, which was well above the national average of 115 per 100,000.[5] By 1989, the rate had increased to 311 per 100,000 persons compared to the national rate of 255.[6] But despite this impressive and unprecedented increase in the use of imprisonment, the crime rate (reported serious crimes to the police, excluding all drug crimes, per 100,000 population) has not been reduced. Reported crime declined from 1980 - 1984 as prison admissions and prison population grew moderately, and then began to increase steadily thereafter as the use of imprisonment accelerated. Over the course of the decade, the crime rate actually increased by 5 percent.

THE IMPACT OF THE WAR ON DRUGS ON PRISON ADMISSIONS

Drug offenses were among the major causes of growth in Florida's admission rates which ultimately strained the state's prison system. Table 3 shows that drug admissions increased by 1,825 percent over the decade compared to an overall prison admission increase of 381 percent. Here again, the largest gains were posted between 1985 and 1989. For female drug offenders the increase was even greater with a 3,103 percent increase. In total, over 35 percent of all prison admissions were for drug offenses while the national average in 1986 was approximately 16 percent.

What kinds of drug crimes are these offenders committing? Table 4 shows that in 1989 cocaine crimes represent 93.4 percent of drug crime admissions, with cocaine sale (45.5 percent) and cocaine possession (38.7 percent) accounting for 84.2 percent of drug admissions. Table 5 shows what types of sentence lengths (not lengths of stay) these inmates receive. For drug possession the average sentence is 26 months, while drug sale is 36 months, and drug trafficking 83 months. Despite these sentence lengths for drug offenders, the actual amount of time served has been reduced substantially due to early release. As shown in Table 6, prisoners are now serving only 32.5 percent of their prison terms.

It is interesting to note that both the Florida and other dated national data contradict Langan's conclusion. In both instances one can see that the "war on drugs" has had a clear impact on prison admissions. After 1974 the proportion of prison admissions for drug offenses averaged 8 percent. However, since 1984 the figure has doubled to 16 percent. Many states are reporting proportions well above the 20 percent range, and these statistics do not account for dramatic increases in parole and probation violations for detected drug use or drug arrests.

TABLE 4

SPECIFIC TYPE OF DRUG OFFENSE FOR FLORIDA PRISON ADMISSIONS CALENDAR YEAR 1989

Drug Offense	Number of Admissions	Percent Total Drugs
Cocaine-Sale	6,843	45.5%
Cocaine-Possession	5,828	38.7%
Cocaine-Trafficking	1,386	9.2%
Marijuana-Sale	294	2.0%
Marijuana-Possession	196	1.3%
Obtain Substance by Fraud	64	.4%
Marijuana-Trafficking	53	.4%
Sell/Purchase Cocaine 1,000 ft. School	44	.3%
Drug Abuse Fraudulent Material	39	.3%
Opium-Trafficking	38	.3%
Constructive Possession	33	.2%
Heroin-Possession	28	.2%
Sell/Purchase Drugs 1,000 ft. School	22	.1%
Other Drug Offenses	175	1.2%
Total Drug Admissions	15,043	100.0%

TABLE 5

AVERAGE SENTENCE LENGTH (MONTHS) FOR PRISON ADMISSIONS DURING CALENDAR YEAR 1989 DRUGS VERSUS NON-DRUGS AND TYPE OF DRUG

	Drugs	Non-Drugs	Drug Possession	Drug Sale	Drug Trafficking
January	33	56	23	28	79
February	32	58	25	33	62
March	35	62	25	34	75
April	34	62	25	34	84
May	36	63	26	33	84
June	34	64	26	34	75
July	38	66	26	38	92
August	37	66	27	36	92
September	37	64	28	37	86
October	39	62	27	41	89
November	39	64	28	42	80
December	42	66	28	42	96
Average for 1989	37	63	26	36	83
Number of Admissions	15,042	27,296	6,291	7,271	1,480

TABLE 6

AVERAGE PERCENT OF SENTENCE SERVED FOR ALL INMATES RELEASED

	Percent of Time Served
January 1987	52.8
January 1988	40.6
January 1989	34.1
January 1990	32.8
July 1990	32.5

THE GROWING USE OF MANDATORY PRISON TERMS

Along with the rise in prison admissions for drug crimes, there has been an equally dramatic increase in the application of mandatory prison sentences since 1980 (Bales and Dees, forthcoming). Since 1988, seven mandatory sentencing bills were enacted that were designed to increase the inmate's length of stay by requiring a specific period of imprisonment before release could be granted. These laws have provisions that prohibit inmates from receiving good-time credits and require a specific period of imprisonment before release. As shown in Table 7, there has been a steady increase in the use of mandatory minimum sentences throughout the decade due to bills introduced prior to 1988. However, there was a very dramatic increase in 1989-90 largely due to a habitual felony law.

As these sentences are increasingly imposed, a greater proportion of the daily prison population will be serving longer mandatory prison terms. Their presence in the prison population will increase because inmates sentenced under non-mandatory terms are eligible for early release and will spend a very short period of incarceration.[7] The FDOC now estimates that even if the number of persons sentenced to prison for mandatory prison terms levels off during the next ten years, the number of inmates serving such sentences will increase from 14,725 to 21,305.[8] In effect these inmates will continue to "stack up" in the prison system over time.

Other possible implications of the widespread use of mandatory minimums cited by the FDOC researchers are the need for new management control mechanisms for handling a larger long-term inmate population, inequity in sentencing by demographic and geographical areas, inequity in the application of habitual offender sentencing laws, and a projected increase in judicial workloads as a result of the number of appeals from offenders sentenced under such laws.

THE RISK TO PUBLIC SAFETY

This early release policy has resulted in a number of unfortunate incidents. The most publicized was that of Charles Street, who had been convicted of a violent crime and also had a violent criminal history. However, due to the early release program, he was released from prison a year ahead of schedule and subsequently murdered two Miami police officers.

Another case involved two brothers, Robert and Harry Lebo, who were originally convicted of "molesting a crawfish trap" and who both subsequently violated

TABLE 7

FLORIDA PRISON ADMISSIONS WITH MANDATORY MINIMUM SENTENCES DURING FISCAL YEARS 1979-80 TO 1989-90[9]

	1979-80	1980-81	1981-82	1982-83	1983-84	1984-85	1985-86	1986-87	1987-88	1988-89	1989-90
Capital Offenses	84	70	117	106	116	142	189	183	169	156	179
Firearm in Commission Felony	590	718	1,032	1,093	834	705	888	976	895	1,087	1,260
Drug Trafficking	4	25	179	333	548	597	679	1,007	1,066	1,086	1,022
Habitual Felony Offender	21	18	25	55	59	66	76	33	41	290	1,804
Habitual Violent Felony	0	0	0	0	0	0	0	0	0	28	142
Sell Drugs 1,000 Feet School	0	0	0	0	0	0	0	0	0	0	144
Violence C.J. Officer	0	0	0	0	0	0	0	0	0	0	5
Total Mandatories	699	831	1,353	1,587	1,557	1,510	1,832	2,199	2,171	2,647	4,556
Annual Change		+132	+522	+234	-30	-47	+322	+367	-28	+476	+1,909
Annual Percent Change		+18.9%	+62.8%	+17.3%	-1.9%	-3.0%	+21.3%	+20.0%	-1.3%	+21.9%	+72.1%
Total Admissions	8,067	9,296	12,341	13,313	11,550	13,513	16,360	22,218	29,616	38,975	43,159

TABLE 8

INMATE CUSTODY LEVELS FOR FLORIDA PRISON ADMISSIONS 1988

NIC System		FBOP System	
Minimum Custody	60.4%	Level 1 (lowest)	65.0%
Medium Custody	33.6%	Level 2	9.7%
Close/Maximum Custody	5.9%	Level 3	17.1%

the terms of their probation. They later entered prison in 1990 for the 1988 offense of lobster theft. But to make room for the Lebo brothers, two other inmates were released early. Both of these examples illustrate how Florida's current correctional system has been seriously malfunctioning.

This situation is further exacerbated by the fact that until recently Florida had abolished parole and did not provide for any follow-up supervision or services upon release. This meant that Florida's prisoners, including the estimated 15,000 inmates sentenced for drug crimes, spent less than a year in prison and then received minimal post-release supervision or services.

It is the worst of both worlds when non-violent, petty property and drug offenders are sentenced inappropriately to prison while dangerous criminals are released early.

OPTIONS AVAILABLE TO THE STATE

Are there options available to the state that could have been implemented to prevent this situation from developing? A well reasoned and cost-effective correctional policy would seek to identify those inmates who could be safely placed in a growing number of intermediate sanctions at less cost to the taxpayer. Based on two U.S. Department of Justice studies conducted in Florida, there is considerable evidence that a substantial number of prison admissions are not a risk to public safety and could be diverted into more cost-effective alternative programs at considerable savings to the state's taxpayers.

Table 8 shows the results of a National Institute of Corrections (NIC) funded study that sought to measure the custody levels of Florida's prison admissions. This study found that over 60 percent of all inmates sentenced to Florida's prisons qualified for minimum custody according to criteria established by the U.S. Department of Justice. The same study found that only 28 percent of these admissions were committed for violent crimes and fully 60 percent had never been previously convicted of a violent crime.

A second study funded by the National Institute of Justice (NIJ) to evaluate the impact of Florida's Community Control Program (FCCP) also found that a large proportion of the prison admissions could be handled safely by the FCCP program and at considerable savings to the state. The FCCP allows judges to divert offenders who otherwise would have been sentenced to prison or jail. Since 1983 over 60,000 offenders have been sentenced to the program by Florida's judges. NIJ's evaluation of the program found that FCCP participants had a lower recidivism rate (19.7 percent versus 24.3 percent) than those admitted to prison (Table 9). The program was especially effective with drug offenders, who had a far lower re-conviction rate compared to a matched group of drug offenders who went to prison — 11 percent re-offended versus 27 percent of the prison group.

FCCP also proved to be very cost-effective, saving the state an estimate of $5,500 for every offender diverted from prison. More significantly, the research found that approximately 33 percent of all offenders now being sentenced to Florida's prisons fit the profile of offenders being placed in the FCCP. This finding shows that the program could be greatly expanded with dramatic savings to taxpayers and without jeopardizing public safety.

LESSONS TO BE LEARNED FROM THE FLORIDA EXPERIENCE

During the past five years, Florida has embarked on a policy of incarcerating massive numbers of drug offenders. This policy has accelerated an increase in usage of early release, not only for drug offenders, but also for inmates convicted of violent crimes and those with violent criminal histories. Despite nearly half a billion dollars spent for prison construction programs, Florida today has the highest rate of prison admissions and the shortest length of stay of any prison system in the country. Furthermore, its already high crime rate has not been reduced but has increased slightly.

TABLE 9

PRISON AND FCCP MATCH GROUP COMPARISON: RECIDIVISM AT 18 MONTHS

	Prisoners Match		FCCP Match	
Recidivism	Cases	%	Cases	%
None	477	75.7%	445	70.6%
Technical Violation	N/A	N/A	61	9.7%
New Offense	153	24.3%	124	19.7%*
Total	630	100.0%	630	100.0%

Florida is unique in that 40,000 inmates are released each year and receive minimal post-release supervision or services. The legacy of Florida's drug wars and mandatory sentencing practices is a very chaotic and ineffective prison system where very little treatment, supervision or punishment is being administered.

State officials are now trying to change these practices. It will take major reforms over a number of years to restore credibility to the state's penal system.

Clearly, there are cost-effective alternatives that have been evaluated which the state can more fully utilize. In particular, significant numbers of prison admissions could be safely placed in less expensive and more effective community based programs. Such a change in direction would greatly lessen the state's reliance upon early release and would provide substantial savings to the taxpayer. Such a policy would also result in initiating necessary levels of supervision and services that many drug offenders and other inmates require, reduce costs to taxpayers, and increase public safety.

ENDNOTES

1 There is little debate among criminologists that prison disposition rates have increased significantly during the past decade. See James Austin, "America's Growing Correctional-Industrial Complex," *FOCUS*, National Council on Crime and Delinquency, San Francisco, 1990.

2 See "America's Soaring Prison Population," *Science*, 1991, Vol. 251:1568-1573.

3 A prison exit sample reflects the sentencing practices and laws that were in effect prior to the inmates' admission to prison. Given that the median length of stay in prison is 14-18 months, plus an average of three months spent in jail prior to sentencing, and that changes in sentencing laws are not felt for at least six months after implementation, a 1986 prison exit sample, at best, will reflect 1984 sentencing laws. Since a large number and the most severe mandatory prison laws were passed after 1984, an exit sample cannot be used to reach conclusions on whether future prison population growth is being effected by mandatory prison terms.

4 The FDOC does not have actual LOS data. These figures were estimated by dividing the average daily population by annual releases.

5 See U.S. Department of Justice, Bureau of Justice Statistics, *Historical Correctional Statistics in the United States, 1850-1984*, (1986), p. 30

6 See U.S. Department of Justice, Bureau of Justice Statistics, *Prisoners in 1989*, (1990).

7 Eventually these inmates will be released and their longer lengths of stay will begin to show up in the national prison release statistics. This phenomenon illustrates why the 1986 release data are inappropriate for concluding that mandatory prison terms are not having a significant impact on prison population growth.

8 See William Bales and Linda Dees, "Mandatory Minimum Sentencing in Florida: Past Trends and Future Implications," *Crime and Delinquency* (Forthcoming, January 1992).

ABOUT THE AUTHOR

James Austin, Ph.D. is Executive Vice President of the National Council on Crime and Delinquency. Dr. Austin has authored and co-authored several articles including: "The NCCD Prison Population Forecast: The Impact of the War on Drugs," and " America's Growing Correctional-Industrial Complex."

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